



OFFICIAL COMPLAINT FORM

Missouri Ethics Commission
PO Box 1370
Jefferson City, MO 65102-1370

Section 105.957, RSMo states that the Commission shall receive any complaints alleging violations of the provisions of:

- 1) The requirements imposed on lobbyists by section 105.470 to 105.478;
- 2) The financial interest disclosure requirements contained in sections 105.483 to 105.492;
- 3) The campaign finance disclosure requirements contained in chapter 130, RSMo;
- 4) Any code of conduct promulgated by any department, division or agency of state government, or by state institutions of higher education, or by executive order;
- 5) The conflict of interest laws contained in sections 105.450 to 105.467 and section 171.181, RSMo; and
- 6) The provisions of the constitution or state statute or order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions.

This complaint shall contain all the facts known to the person bringing the complaint that give rise to the complaint.

This complaint shall be sworn to under penalty of the crime of perjury.

Within 5 days of receipt of this complaint, the Commission will send a copy of this complaint, including the name of the person bringing this complaint, to the person, organization or campaign committee against whom the complaint is brought.

Note: According to Missouri State Law, the Commission shall dismiss any complaint which is frivolous in nature, as lacking any basis in fact or law. Any person who submits a frivolous complaint shall be liable for actual and compensatory damages to the alleged violator for holding the alleged violator before the public in a false light. A finding by the Commission that a complaint is frivolous or without probable cause shall be a public record.

THIS FORM MUST BE RETURNED BY MAIL OR HAND-DELIVERED. FAXED COPIES OR EMAILS WILL NOT BE ACCEPTED.

PART 1 - PERSON BRINGING COMPLAINT:

NAME:		DATE OF COMPLAINT:	
ADDRESS:			
CITY:	STATE:	COUNTY:	ZIP:
CONTACT PHONE NUMBER/S: (HOME)	(WORK)	(CELL)	
TITLE OF OFFICE HELD OR SOUGHT (IF APPLICABLE):			

PART 2 - ORGANIZATION OR CAMPAIGN COMMITTEE AND INDIVIDUAL(S) OR POSITION(S) AGAINST WHOM

THIS COMPLAINT IS BEING BROUGHT AGAINST:

NAME:			
ADDRESS:			
CITY:	STATE:	COUNTY:	ZIP:
CONTACT PHONE NUMBER/S: (HOME)	(WORK)		
TITLE OF OFFICE HELD OR SOUGHT (IF APPLICABLE):			
DATE OF ELECTION (IF APPLICABLE):		CHECK ELECTION TYPE (IF APPLICABLE):	
		<input type="checkbox"/> Primary <input type="checkbox"/> General	

VERIFICATION BY OATH OR AFFIRMATION

STATE OF MISSOURI
COUNTY OF _____

I, _____, being duly sworn upon oath and affirmation legally administered, certify under penalty of perjury that the foregoing information in this complaint is complete, true, and correct, to the best of my knowledge and belief.

Signature of Complainant

Subscribed and sworn to before me this _____ day of _____, _____.

My Commission Expires: _____

Notary Public

PART 3 - STATEMENT OF FACTS:

State in your own words the detailed facts and the actions of the candidate or organization named in part two which prompted you to make this complaint. The space provided below is not intended to limit your statement of facts. Please use additional sheets if necessary. Include relevant dates and times, and the names and addresses of other persons whom you believe have knowledge of the facts and attach hereto copies of any documentary evidence that supports the facts alleged in the complaint.

Please check the box next to the area that the complaint concerns.

- ☐ 1. The requirements imposed on lobbyists by sections 105.470 to 105.478.
 - ☐ 2. The financial interest disclosure requirements contained in sections 105.483 to 105.492.
 - ☐ 3. The campaign finance disclosure requirements contained in chapter 130, RSMo.
 - ☐ 4. Any code of conduct promulgated by any department, division or agency of state government, or by state institution of higher education, or by executive order.
 - ☐ 5. The conflict of interest laws contained in sections 105.450 to 105.467 and section 171.181, RSMo.
 - ☐ 6. The provisions of the constitution or state statute or order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions.

PLEASE STATE THE FACTS BELOW:

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, leaving small margins at the top and bottom. There are no vertical margin lines, text, or other markings on the page.

- ☐ YES Are any of the matters alleged by you the subject of civil or criminal litigation? If yes, please provide
☐ NO the county and case number if known by you.

**Details of Complaint Filed Against
Brian Treece, Elected Officeholder, Political Candidate, and Missouri Registered Lobbyist
and the Treece for Mayor Committee**

Count 1:

Brian Treece, as candidate and officeholder, and the Treece for Mayor committee failed to file an *Amended Statement of Committee Organization* after the April 2, 2019 Columbia City Council election, as required by § 130.011(9) RSMo and MEC Opinion No. 1995.09.146, prior to the acceptance of the following campaign contributions.

1. Campaign Contributions Accepted

<u>Date</u>	<u>Name/Address/Employer/Occ</u>	<u>Amount</u>
April 15, 2019	Highlander Political Strategies, LLC Bolivar MO 65613	\$2,100.00
May 15, 2019	Donald Rosemann Shawnee KS 66227 Rosemann & Associates, PC	\$5,000.00
Aug 16, 2019	THM Investments Columbia MO 65201	\$1,000.00
Aug 16, 2019	John Wright Rocheport MO 65279 Rollins Capital	\$ 500.00
Aug 19, 2019	POL PAC Jefferson City, MO 65101	\$1,000.00
Aug 19, 2019	Tom Atkins Investments Columbia MO 65201	\$1,000.00
Aug 19, 2019	Scott Atkins Columbia MO 65203 The Atkins Company	\$1,000.00
Aug 22, 2019	Mike Burnam Columbia, MO 65203 StorageMart, CEO	\$ 500.00

Aug 23, 2019	Jan Beckett Columbia MO 65203 Retired	\$ 100.00
Aug 25, 2019	Charles Digges, Jr. Columbia MO 65203 The Insurance Group	\$ 250.00
Sep 2, 2019	Todd Hoiem Columbia MO 65201 Hawthorn Bank, President	\$ 250.00
Sep 4, 2019	Robert Doroghazi MD Columbia MO 65203 Retired	\$ 250.00
Sep 4, 2019	KAG Enterprises Columbia MO 65203	\$1,000.00
Total Contributions in Violation		<hr/> \$13,950.00

2. Requirement to Maintain a Campaign Finance Committee

As per MEC document *Exempt Candidates* and § 130.016 RSMo, Mr. Treece does not qualify as an exempt candidate because he has received campaign contributions in excess of \$500. He therefore is required to form and register a campaign finance committee, including a *Statement of Committee Organization*.

3. Requirement to File an Amended Statement of Committee Organization

MEC's *Ethics Guide 2020* specifically states that successful candidates must "(F)ile an amended *Statement of Committee Organization* and update election information to continue to receiving contributions..."

Further, MEC Campaign Finance FAQs (see Attachment 2) state: "Prior to accepting any new contributions, the candidate must submit an amended Statement of Committee Organization, amending the candidate's election date, office sought, and political subdivision. The candidate and treasurer must sign the amended Statement and remit the original to the MEC." (MEC Opinion No. 1995.09.146)

MEC Opinion No. 1995.09.146 states in part:

1. *May an office holder, once all debt is paid and the spend down provision complied with, use the same committee that he used during the campaign to begin raising money for a new campaign without deciding which office he wished to run for?* No, A candidate cannot begin raising money through his “candidate committee” without declaring the particular office sought. The existence of contribution limits, which vary depending on the office sought, necessitates this interpretation. Note that this response only applies to “candidate committees”.

4. Failure to File an Amended Statement of Committee Organization

Subsequent to the April 2, 2019 election, an *Amended Statement of Committee Organization* was not filed by Treece for Mayor (MECID C151225) until it was hand delivered on September 5, 2019, as indicated in Attachment 1 and viewable on the MEC website. September 5, 2019 coincided with the date on which a Treece for Mayor campaign fundraising event was held by events hosts Otto & Stella Maly, Bob Pugh, and Jeff Smith. (See Attachment 3)

5. Action Indicated

Based on the above allegations, it is requested that MEC require that all campaign contributions accepted between April 2, 2019 and September 5, 2019 be returned to each respective contributor and a penalty imposed on the Treece for Mayor Committee commensurate with the violation as decided upon by the Missouri Ethics Commission.

Count 2:

Brian Treece is registered as a Missouri lobbyist (MEC Registration No. L000737) while maintaining a candidate committee (MEC ID C151225) in violation of § 105.465 RSMo.

1. Lobbyist Registration

Mr. Treece has maintained registration as a Missouri lobbyist beginning July 15, 1996 and continuing through the date of this complaint. Current principals for which he lobbies

include: Missouri-Kansas-Nebraska Conference of Teamsters (since Dec 28, 2000), Missouri State Orthopaedic Association (since Dec 8, 2003), and Treece Phillips LLC (since Nov 6, 2002).

Treece, Brian - Active

P.O. Box 1924
Jefferson City, MO 65101
(573) 761-4999

Lobbying Began:	07/15/1996
Registration Year:	2019
Registration Type(s):	Executive Legislative

Other principals for whom he lobbied as of the effective date of § 105.465 RSMo (28 Aug 2016) included:

	<u>Date Added</u>	<u>Date Deleted</u>
Alternative Opportunities, Inc.	12/8/2003	1/3/2018
Preferred Family Healthcare	8/3/2015	5/1/2018

2. Candidate Committee

Mr. Treece has continuously maintained a candidate committee, Treece for Mayor (MEC ID C151225), beginning December 1, 2015 and continuing through the date of this complaint.

He was elected mayor of Columbia MO on April 5, 2016 and was re-elected on April 2, 2019. He continues to serve in that capacity.

A subsequent *Amended Statement of Committee Organization* (see Attachment 1) was hand-delivered to MEC on September 5, 2019, indicating the extension of the Treece for Mayor Committee through April 5, 2022.

3. Alleged Violation

Missouri statute requires that a registered lobbyist dissolve his or her candidate committee and disburse funds as follows.

The Missouri General Assembly passed HB 2203 in 2016, which when truly agreed to and finally passed as § 105.465 RSMo, became effective as of 28 Aug 2016:

105.465. Dissolution of candidate committee required, when — disbursement of moneys, limitations — definitions. — 1. Any person who registers as a lobbyist shall dissolve his or her candidate committee. In the course of dissolving such committee, such person shall not disburse moneys from such committee, except for the purpose of:

- (1) Returning a contribution made to the candidate committee to the entity responsible for making the contribution to the committee;
- (2) Donating moneys to a nonprofit entity qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; or
- (3) Transferring moneys to a political party committee.

2. For purposes of this section, the term “lobbyist” shall have the same meaning given to such term under section [105.470](#), and the terms “committee”, “candidate committee”, “contribution”, and “political party committee” shall have the same meanings given to such terms under section [130.011](#).

4. Action Indicated

It is therefore alleged that as of 28 Aug 2016, the effective date of the applicable statute, Brian Treece, having continuously maintained his candidate committee as an elected officeholder while simultaneously registered as a Missouri lobbyist, is in violation of § 105.465 RSMo, and as such should immediately terminate his candidate committee and disburse committee funds as provided for by statute, allowing him to retain his position as Mayor; or resign his elected position as Mayor and terminate his Treece for Mayor committee; or terminate his position as a registered lobbyist in Missouri; in addition to any penalty levied by the Missouri Ethics Commission or referred for criminal prosecution.

Attachment 1: Sep 5, 2019 Amended Statement of Committee Organization



Missouri Ethics Commission (MEC)
PO Box 1370, Jefferson City MO 65102, (800) 392-8660, www.mec.mo.gov
Statement of Committee Organization

MISSOURI ETHICS COMMISSION

Office Use: **SEP 05 2019** *per*

HAND DELIVERED

- 1. Statement Information**
Date: 9/4/2019
Type: ☐ New ☒ Amended (if amending, enter MEC ID C151225 & section changed #6)
- 2. Committee Information**
Name of Committee _____
Committee Mailing Address, City, State, & Zip _____ Telephone Number _____
Official Committee Email Address _____ County Clerk or Board of Election Commissioners _____
Committee Type: ☐ Campaign ☒ Candidate ☐ Continuing (PAC) ☐ Debt Service ☐ Exploratory ☐ Political Party
- 3. Treasurer/Deputy Treasurer Information**
Treasurer's Name (First & Last) _____ Treasurer's Email Address (optional) _____
Treasurer's Mailing Address, City, State, & Zip _____ Treasurer's Home Telephone Number _____ Treasurer's Work Telephone Number _____
Deputy Treasurer's Name (if one appointed) _____ Deputy Treasurer's Email Address (optional) _____
Deputy Treasurer's Mailing Address, City, State, & Zip _____ Dep. Treasurer's Home Telephone Number _____ Dep. Treasurer's Work Telephone Number _____
- 4. Additional Committee Information**
Additional Committee Officer's Name & Title (if any) _____ Additional Committee Officer's Mailing Address, City, State, & Zip _____
Connected Organization's Name (if any) _____ Connected Organization's Mailing Address, City, State, & Zip _____
CANDIDATES: Do you have more than one candidate committee? ☐ Yes (refer to instructions on back) ☒ No
- 5. Official Bank Account Information (required by all committees)**
Name & Mailing Address, City, State, & Zip of Financial Institution _____ Account Name _____ Account Number _____
- 6. Candidate Supported or Opposed (candidate committees must include self, if candidate)**
Name & Mailing Address, City, State & Zip of Candidate: Brian Treece 503 E. Nifong #338 Columbia,
4/5/2022 Mayor, City of Colu Telephone Number (Candidate Committees Only) _____
Election Date Office Sought & Political Subdivision Political Party Support or Oppose _____
- 7. Ballot Measure Supported or Opposed (campaign committees must complete this section)**
Name of Ballot Measure _____ Election Date & Political Subdivision Support or Oppose _____
- 8. Signature(s) Check certification(s) & sign (required by all committees)**
☒ I affirm and attest under penalty of perjury that information and facts in this report are complete, true, and accurate. I further acknowledge that I am aware that any false statement or declaration made herein is punishable under Ch. 575 RSMo.

Committee Treasurer

Candidate (Candidate Committees Only)

Attachment 2: MEC FAQ

What must a successful candidate do to accept contributions for a future election?

Campaign Finance - Committees

[Maintaining](#) [Terminating](#) [Contributions](#) [§ 130.021, RSMo](#) [§ 130.034, RSMo](#) [Amended Statement of Committee Organization](#)

Prior to accepting any new contributions, the candidate must submit an amended Statement of Committee Organization, amending the candidate's election date, office sought, and political subdivision. The candidate and treasurer must sign the amended Statement and remit the original to the MEC.

MEC Opinion No. 1995.09.146

Note: This only applies to those candidates who plan to run in a future election. Those who do not plan to run in future elections cannot continue to accept contributions.

Attachment 3: Brian Treece Fundraising Event Invitation – Sept. 5, 2019

